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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,330	01/10/2002	Vladimir Dubinsky	414-13238-CIP	9215

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EXAMINER

MCCLLOUD, RENATA D

ART UNIT PAPER NUMBER

2837

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,330

Applicant(s)

DUBINSKY ET AL.

Examiner

Renata McCloud

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-20 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 10-14, 16-20 and 26-30 is/are rejected.
- 7) ☐ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement filed 10 May 2002, paper number 4, is missing.

Double Patenting

2. Applicant is advised that should claims 26-30 be found allowable, claims 16-20 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10, 12, 13, 16-20, and 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Birchak et al (U.S. Patent 5,510,582).

Claims 10, 16 and 26: An apparatus for performing acoustic investigations of a subsurface geological formation penetrated by a borehole comprising: a longitudinally

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extending body (e.g. Fig. 2: 30) conveyed in the borehole (e.g. Fig. 1:6); an acoustic transmitter supported by the body (e.g. Fig. 2:T), the transmitter generating acoustic signals in the body, the borehole and the subsurface formations; an acoustic receiver (e.g. Fig. 2:R) spaced apart from the transmitter (e.g. Fig. 2:T) and supported by the body for receiving the acoustic signals; and an attenuator (e.g. Fig. 2:35) located on a substantially cylindrical portion of the body having an inner diameter (e.g. Fig. 11:ID) and an outer diameter (e.g. Fig. 11: OD), between the acoustic transmitter (e.g. Fig. 2:T) and the acoustic receiver (e.g. Fig. 2: R) for attenuating the acoustic signals in the body within a predetermined frequency range (e.g. Col. 8: 52-56); wherein the attenuator comprises a plurality of spaced-apart masses (e.g. Fig. 5:50)(e.g. Col. 4:40-47) having a predetermined spacing, mass and length, attached to an outer wall of the cylindrical portion of the body (e.g. Fig. 2: 40).

Claims 12, 17, and 27: the attenuator comprises a plurality of spaced apart masses wherein the predetermined frequency range comprises 10khz to 20 kHz (e.g. Col. 8:52-56).

Claims 13, 18, and 28: the attenuator comprises a plurality of spaced apart masses wherein material of the masses is selected from the group consisting of steel rings and tungsten rings (e.g. Col. 8:11-15).

Claim 14: the attenuator comprises a plurality of spaced apart masses wherein the plurality of masses is between six and ten (e.g. Fig. 3: has 6 masses as those shown in Fig. 5:50).

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Claims 19 and 29: conveying the logging tool on a drilling tubular (e.g. Fig. 1:4, a drill string).

Claims 20 and 30: performing acoustic investigations during drilling of the wellbore (e.g. Col. 4:30-32).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Birchak et al as applied to claim 10 above, in view of Haugen (U.S. Patent 6,024,169).

Claim 11: Birchak et al teach the limitations of claim 10. Referring to claim 11, they teach the longitudinal extending body is conveyed on a drilling tubular having a drill bit therein for drilling the borehole, the drilling tubular consisting of a drill string (e.g. Fig. 1:4; Col. 5:62-65). They do not teach the drilling tubular consisting of coiled tubing. Haugen teaches a longitudinal extending body conveyed on a drilling tubular having a drill bit therein for drilling the borehole, the drilling tubular consisting of a drill string and coiled tubing (e.g. Col. 18:12-17). It would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the apparatus taught by Birchak et al to use coiled tubing to convey a longitudinal extending body as taught by Haugen. The advantage of this would be an alternative to drill string.

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Allowabl Subject Matter

7. Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are: Trouiller et al (U.S. Patent 4,020,452) and Hoyle et al (U.S. Patent 5,036,945).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (703) 308-1763. The examiner can normally be reached on Mon. - Fri. from 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Renata McCloud
Examiner
Art Unit 2837

RDM


ROBERT E. NAPPI
SUPERVISORY PATENT EXAMINER
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